

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

STEPHEN C. HUDSON, SR.,

Case No. 16-CV-0058 (SRN/JSM)

Plaintiff,

v.

ORDER

WILFORD, GESKE & COOK, P.A.; and
SCHILLER & ADAM, PA,

Defendants.

This matter is before the Court on three post-judgment motions filed by plaintiff Stephen C. Hudson, Sr. Each of those motions will be denied.

First, Hudson demands that the Court “File and Issue a Case Order Regarding the Apparent ‘Denial’ of Plaintiff’s Case ‘Amended Complaint.’” ECF No. 65. The Court has already explained twice that Hudson’s proposed amended complaint failed to comply with Rule 15 of the Federal Rules of Civil Procedure. *See* ECF Nos. 59 & 62. Further, as previously explained, Hudson’s proposed amendments were futile, as the Court lacked subject-matter jurisdiction over the claims raised therein. *See* ECF No. 62 at 16-17.

Second, Hudson demands that the Court award him statutory damages. *See* ECF No. 66. But none of Hudson’s claims succeeded; indeed, the Court did not even have subject-matter jurisdiction over this lawsuit. Obviously, then, the Court cannot award Hudson statutory damages for his claims.

Third, Hudson requests *in forma pauperis* (“IFP”) status on appeal. *See* ECF No. 70. Hudson’s income exceeds that of most IFP litigants in this District, but leaving that aside, “[a]n

appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3); *accord* Fed. R. App. P. 24(a)(3). To determine whether an appeal is taken in good faith, the Court must decide whether the claims to be decided on appeal are factually or legally frivolous. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). An appeal is frivolous, and thus cannot be taken in good faith, “where it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). At no point during this litigation has Hudson put forward what this Court regards as a good-faith argument that his claims have merit or that the Court has subject-matter jurisdiction over those claims. There is absolutely no basis upon which to believe that the Eighth Circuit or any other court would conclude that Hudson’s complaint should not have been dismissed. An appeal from the Court’s order dismissing this action would be frivolous. Hudson’s appellate IFP application is therefore denied.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS
HEREBY ORDERED THAT:

1. The “Demand for the Court to File and Issue a Case Order” of plaintiff Stephen C. Hudson, Sr. [ECF No. 65] is DENIED.
2. Hudson’s “Demand for the Court to Immediately Award Plaintiff Statutory Financial Damages” [ECF No. 66] is DENIED.
3. Hudson’s application to proceed *in forma pauperis* on appeal [ECF No. 70] is DENIED.

Dated: August 1, 2016

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge
